

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. Name of Board, Committee or Council: Board of Occupational and Physical Therapy Examiner's Committee of Occupational Therapy

2. Rulemaking hearing date: October 26, 2006

3. Types of small businesses that will be directly affected by the proposed rules:

- (a) Unlicensed occupational therapists who are seeking licensure and intend to be sole proprietors; and
- (b) Licensed occupational therapists, physicians and health care entities who employ or seek to employ licensed occupational therapists or licensed occupational therapy assistants; and
- (c) Licensed occupational therapists, physicians and health care entities that provide or seek to provide training and supervision of unlicensed individuals who are attempting to complete their licensure requirements.

4. Types of small businesses that will bear the cost of the proposed rules:

The types of small businesses listed above in Statement #3 will bear the cost of the proposed rules. However, there are aspects of the proposed rule amendments that the Committee anticipates will reduce, rather than increase, small business expenses.

5. Types of small businesses that will directly benefit from the proposed rules:

- (a) Licensed occupational therapists, physicians and health care entities who seek to employ occupational therapy assistants who are licensed in other states because there will now be an alternative to the exam requirement; and
- (b) Physicians and employers of physicians because the proposed rule amendments will now permit physicians to supervise unlicensed persons formerly referred to as Occupational Therapy Aides.

6. Description of how small business will be adversely impacted by the proposed rules:

By compelling the supervised fieldwork experience of licensure applicants to meet the requirements of the Accreditation Council for Occupational Therapy Education (ACOTE), small businesses may realize an increase in the expenses associated with providing supervised fieldwork. By requiring the continuous supervision of students who are training in physical agent

modalities, there may be an increase in the expenses associated with providing the supervision. **However, there are aspects of the proposed rule amendments that the Committee anticipates will favorably, rather than adversely, impact small businesses.**

7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:

The Committee does not believe there are less burdensome alternatives to most of the proposed rule amendments because the reason for promulgation of those amendments is to make the occupational therapy chapter of rules consistent with Public Chapter 765 of the Public Acts of 2006.

As for the proposed rule amendment to regulate students who are training in physical agent modalities so that continuous supervision by a licensed occupational therapist who is Tennessee-certified to perform physical agent modalities is required, the Committee is not proposing the less burdensome alternative of including other supervisors because the Committee believes this will compromise the quality of the training and will eventually compromise the health, safety, and welfare of patients who receive physical agent modality treatment.

Also, the Committee does not believe there are less burdensome alternatives to some of the proposed rule amendments described in Statement #5 because the intent of those proposed rule amendments is precisely that.

8. Comparison of the proposed rule with federal or state counterparts:

The Committee is not aware of any federal counterparts, and notes that there is no federal licensing of occupational therapists. With regard to supervision and training, the proposed rule amendments are similar to current or proposed state rules for most of the health-related licensing boards, committees, and councils.